G. R. S. 58

Previous references.

√

190 .

(Medical)

File No. 316 of 1902-03

Serial Nos. 1-2

Later references.

Sl 03-5 F of this file and Med: 67 of 1907-08

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2

Part B. for

SUBJECT.

Compulsory Vaccination in the Bangalore City

GPB. 8,000—7-4-07

OFFICE OF THE DEWAN OF MYSORE

REVENUE AND GENERAL, DEPARTMENTS.

Short Office Note.

One form may be used for more than one letter of the same file as long as there is space. The Office Note should be in black ink. Write only on side of this form.

* No. and date of letter, from whom, catch words to denote nature of Subject should be stated, in red ink.

*Subject Letter No 1935 dy 10 & 24 Feby 03 from the President, Mil Genl, Bangalore City, Draft Bye-Laws regarding Compulsory Vaccination in the Bangalore City.

Note

The system of Compulsory Vaccination is stated to be in force in all the Municipal towns in the Madras Presidency and in the Civil Station of Bangalore the President considers that in the absence of a Compulsory Act it is impossible to get more people to take to vaccination than heretofore.

2. The Bye-laws now submitted by Genl have been approved by the Board and are stated to be the same as those in force in Madras with-

this modification that no fee is charged for attendance at private houses under Rule 10 clause (1).

3. The bye-laws will have to be confirmed after the same shall have been published in the Gazette as required by section 227 of the Municipal Regulations.

3 May the President be requested to publish the set of bye-laws as required?

4 The Rules in force in the C & M Station relating to vaccination have not been embodied in the copy of the bye-laws supplied to this office. A draft letter to the Residency asking for two where copies is herewith submitted for approval.

5. The draft letter to the Residency may issue and on receipt of the Bye-laws in force in the C & M Station both may be compared & the difference if any, noted for orders.

Submitted to Secty.

HB
4/3/03

DJ 11/3/03

S Sr

6 Has the Board Power to legis-
late on this subject? Please
let me see this with the Regns?

18/3/3

The Regulations (S.225) do not seem
sufficient to give this Power.

How is this provided for in Madras?
Is there no separate Act? Please
let me have the opinion on
the question generally from the Legis-
lative Deptt

20/3/3

Vide separate note Annexed

21-3-03

Submitted to Secty.

7 The opinion given by the Leg. Deptt seems to be correct. Draft a letter asking the President under what provn of the Mad Regns the bye laws proposed are based & submit for approval.

1/4/03

Down through the Councillor - 9/4/3

I.A. 668
11-4-03.

A.S.
11/4
Draft 11/4/03

8

This is a most important question which cannot be decided or by a Municipal Bye Law - Opinions are divided on the subject - I am not sure that this question comes up for the first time now before Govt - There must be a lot of literature relating to representation made at the Durban Assembly & rebellion thereto - However that may be, I would say that "Govt are not at present prepared to make Vaccination compulsory" -

C. Smuts

13/4/03

9749/14.4.03

A. S. to Sec 17/4/03

17/4 The above order was duly communicated to the President by ~~Locket~~ order no 15206/316-92 & 21.4.03

15.IV.03

17/4/03

Flag A

OFFICE OF THE DEWAN OF MYSORE

Legis. REVENUE AND GENERAL, DEPARTMENTS.

Short Office Note.

One form may be used for more than one letter of the same file as long as there is space. The Office Note should be in black ink. Write only on side of this form

* No. and date of letter, from whom, catch words to denote nature of Subject should be stated, in red ink.

Subject

Draft Bye Laws regarding compulsory Vaccination in the Bangalore city.

Note

In the city of Madras Municipal Act- 1884 as amended by Madras Acts VII of- 1884 and II of 1892, special provision is made for compulsory vaccination in Section 378.

Under that section the Governor in council is authorized to declare by Notification in the Fort-St George Gazette that vaccination shall be compulsory within the city from and after a date to be fixed in such Notification.

Under section 413 clause (K) the Municipal Commissioners are empowered to make Bye Laws for the purpose of enforcing compulsory vaccination as provided in Section 378, subject to the approval of govt.

Sections 368 to 377 only provide in general terms for the prevention of infectious diseases, but do not give the Municipality the power of making vaccination compulsory as a preventive measure.

It is clear from the Madras Act that the power of making vaccination compulsory is specially vested in the Governor in Council, while the power to make bye-laws for that purpose subject to the approval of Govt. belongs to the Municipal Commissioners, and that vaccination cannot be made compulsory by the mere approval by Govt. of the bye laws made by the Municipal Body for that purpose.

Similar remarks apply as regards Mufassil or District Municipalities in Madras Presy. under Ss. 133 et seq of Madras Act IV of 1884 -
31.3.03

In the Bangalore Town Municipal Regulation, 1871, Section 225, the Municipal Commissioners have power to make Bye Laws for, among other things, "preserving order and cleanliness in the town", while no provision is made in any part of that Regulation, for the "prevention of infectious diseases." It seems as though it were the deliberate intention of the M. Government to reserve to itself the power of initiating all needed

measures to prevent infectious diseases.

In the compulsory vaccination Bill in the Legislative Council. the following remarks are made by the late Sir Sheshadri Iyer :- (in 1891)-

"The more I study the subject the more I am satisfied that we should have no such law on our Statute Book. The most advanced scientific opinion is against vaccination which it held to lower vitality and open the door to other diseases. He must not compel any man to take vaccine into his system. I don't wish to record all I feel on the subject but I feel sure that the more advanced European countries will soon discover vaccination a great mistake and abandon it altogether." The question of legislating for it was therefore dropped in 1891-

When the wisdom of making vaccination compulsory is still a subject of controversy, it seems anything but consistent with the fitness of things that the Bangalore Municipal Board should through the instrumentality of bye-laws now through under the sanction of Govt: exercise a power which even Govt: alone assume the responsibility of exercising.

Omitted 31.3.03

March 28. 1903

There is a separate enactment as regards

compulsory vaccination in the Bombay Presidency (Vide Bom. Act I of 1892)

The Draft Municipal Bill, which is pending before council & which is based on the Bombay Act I does not contain any provision on the subject.

Neither the Municipal Commr, nor the Municipal Council have at present any legal power to institute compulsory vaccination.

31.8.03

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted

The accompanying file re "Compulsory Vaccination in the Bangalore City," was found in L.F. 28 of 03 which is about "Maps of the several Municipalities & in the Kolar District. The former file is marked on the cover L.F. 28 of 03 and inside the last issue is marked L.F. 316 of 92. But L.F. 316 of 92 # is about L.F. Estimates Kadur and a note is therein made to the effect the file about compulsory Vaccination in Bangalore. It was detached and placed in a new file L.F. 28 of 03-04 as instructed by the Secy. Dr. IV. Therefore there are now two different files on different subjects both bearing the same file No. of 03-04. Orders are therefore solicited as to the treatment

Flag Z

Flag Y

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

of this file in recording.

20/4/08

To Branch IV.

for opinion &

20/4.

BVR
SJ 20/4

Under the circumstances the only alternative will be to give a new file No to the file re compulsory vaccination in Bangalore city, in the file No series of 1902-03 and have the requisite entries made in the various file registers.

BVR
6/5 MMS

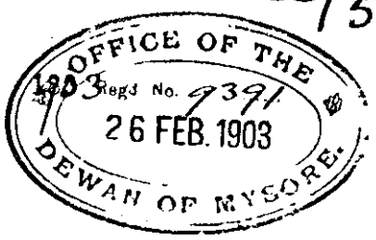
Sham
6-5-08

~~Sanction to the Proposal~~

As the file No 316 of 1892 has appeared in the issue, the papers will be marked as File 316 of 1902-03 and dealt with by the Spl Asst.

8/5/08.

2512



From

The President,
Municipal Commission,
Bangalore City.

To

The Secretary to the
Government of Mysore
Dated 24th Gen: & Rev: Depts.
Despatched
Received - February 1903 Bangalore
Gen. No. 193
No.

Enclosures No. two.

Submitting for orders draft-
rules regarding Compulsory
Vaccination together with
a copy of the Board's Resolution
thereon.

2
26 2 03

A-5-4
Org 27/2

Office of the Municipal Commission,

City; Bangalore, February 18 1903.
~~189~~
24.

No. 193
Encls. two
From

THE PRESIDENT,

MUNICIPAL COMMISSION,

BANGALORE CITY.

To The Secretary to the
Government of Mysore in the
General & Revenue Depts.,

Stn. Bangalore

In continuation of this office
1.25-97 letter no. 255 dated the 28 February 1902 forwarding copy of Boards' Proceedings dated the 30 January 1902 containing a resolution approving the suggestion of making Vaccination against Small-pox compulsory in the City, I have the honor to submit for the consideration and order

of Government draft rules on the subject passed at the last months' meeting of the Board in their resolution dated the 29th ultimo a copy of which is also enclosed.

Small-pox was prevailing in the City in an epidemic form for the past two years. There were 990 attacks and 238 deaths from the disease in 1900-1901 and 631 attacks and 219 deaths in 1901-1902, While the number of persons Successfully vaccinated during those two years was only 2153 and 1238 respectively.

In the absence of a Compulsory Act it

it is impossible to get more people to take to vaccination. Compulsory vaccination is in force in all the Municipal Towns in the Madras Presidency; while in the Civil and Military Station, Vaccination has now been compulsory for over 12 years.

I have the honor to be

Sir,

Your most obedient Servant,

President

1/a

DRAFT BYE-LAWS REGARDING COMPULSORY VACCINATION.

1. In these Bye-Laws,—

"Parent" means the father or mother of a legitimate child and the mother of an illegitimate child.

"Guardian" means any person to whom the care, nurture, or custody, of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture, or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf.

"Vaccinator" means any vaccinator appointed by the Municipal Commissioners, or any person who holds the written permission of the President, to vaccinate within the City.

"Qualified Medical Practitioner" means a person holding a diploma which entitles him to practise as a Surgeon or a Physician in the territories of His Highness the Maharaja of Mysore, and also an Assistant Surgeon, a Licentiate of Medicine, an Apothecary and a Hospital Assistant.

"Child" means a boy under twelve years of age or a girl under ten years of age.

"Unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation or by having been successfully vaccinated, and who has not been certified in the manner hereinafter provided to be insusceptible of vaccination.

"Vaccine Depôt" means a place or building where, by direction of Municipal Commissioners, public gratuitous vaccination is performed.

2. The parent or guardian of any unprotected child, who is more than six months old and who has resided within the limits of the City for two months, shall take or cause the child to be taken to a Vaccine Depôt for vaccination, or shall procure his vaccination by a vaccinator.

3. The vaccinator to whom a child is taken for vaccination shall, if he finds that such child is not in a state to be vaccinated, deliver to the child's parent or guardian a certificate to the effect that the child is then in a state unfit for vaccination. The said certificate shall remain in force for three months only, and may be renewed if necessary.

4. If the vaccinator is of opinion that the child is in a state fit for vaccination, he shall ~~forthwith~~ vaccinate the child and deliver to his parent or guardian a memorandum stating the date on which the vaccination has been performed and that on which the child is to be inspected in order to ascertain the result of the operation.

5. (1) On the date of inspection given in the memorandum, the parent or guardian of every child who has been vaccinated under the last preceding bye-law, shall take or cause him to be taken to a vaccinator for inspection.

(2) If the vaccinator finds on inspection that the vaccination has been successful, he shall give to the parent or guardian a certificate to that effect.

(3) In the event of the vaccination being unsuccessful, such parent or guardian shall, if the vaccinator so direct, cause the child to be ~~forthwith~~ vaccinated and subsequently inspected as on the previous occasion.

6. If the vaccinator is of opinion that a child who has been three times unsuccessfully vaccinated is insusceptible of vaccination, he shall deliver to the parent or guardian of such child a certificate to that effect.

7. Any parent or guardian who procures the vaccination of an unprotected child by a vaccinator not employed by the Municipal Commissioners shall forward a certificate of successful vaccination to the President, or Health Officer, or any person authorized by the President, within fifteen days from the date of vaccination.

8. The President will accept certificates from a qualified medical practitioner as to (i) successful vaccination, (ii) the unfitness of a child for vaccination, and (iii) the insusceptibility for vaccination.

9. The President may cancel any certificate given under these bye-laws if it be proved to his satisfaction that such certificate has been improperly given or obtained on behalf of any unprotected child, and thereupon such certificate shall no longer be valid.

10. (1) No fee or remuneration shall be accepted by a Municipal vaccinator for any vaccination performed or certificate given under these bye-laws.

But if any parent or guardian is desirous that a child should be vaccinated in his own house, the President or Health Officer, or any person duly authorized by the President in this behalf, ~~may~~, upon application by such person ~~and upon payment by him of a fee which shall be charged at the rate of Rs. 2 for every single case, and As. 4 for every additional case in the same house,~~ direct a vaccinator to perform the vaccination as hereinbefore provided, at the residence of such person.

Shall

(2) If any child, or the parent or guardian of a child, in respect of whom the application above referred to is made is a female, who, according to the customs of the country, does not appear in public, the President or the Health Officer or any person duly authorized by the President in that behalf, shall direct a female vaccinator to visit the house of the said parent or guardian and perform the vaccination in the same manner as if the child had been presented for vaccination at a Vaccine Depôt; ~~but no fee shall be charged in respect of any application made under this clause.~~

11. If the President or the Health Officer or any person authorized by the President in that behalf, has reason to believe that there is an unprotected child in any house, he may call upon the parent or guardian of any child in the house or the occupant of the house in the absence of the parent or guardian there to produce for inspection between 6 A. M. and 6 P. M., all the children in the house or under his care, and to state their age, parentage and place of birth and the duration of their residence in the City; and he shall, if on such requisition the occupant of the house or the parent or guardian refuse to produce such children for inspection, or if, after inspection the fact is proved to his satisfaction that any child is unprotected, forthwith deliver to such parent or guardian, or caused to be affixed to his house, a notice requiring that the child be vaccinated within fifteen days at a time and place to be specified in the said notice. The person to whom the notice above referred to is given shall be bound to comply with it, unless he can produce a certificate stating that the child has already been successfully vaccinated or is either unfit for, orinsusceptible of, vaccination.

12. (1) Any person who, in contravention of the provisions of these bye-laws,—

(*a*) neglects without reasonable excuse to take or cause a child to be vaccinated, or after vaccination to be inspected, on a date to be prescribed by the vaccinator,

(*b*) neglects to forward a certificate of successful vaccination under bye-law 7,

(*c*) refuses to give information, or wilfully gives false information required by bye-law 11 regarding an unprotected child, or neglects to comply with the notice under the same bye-law;

(2) Any vaccinator who, by a careless operation or by the use of lymph which he has reason to believe is impure, injures the health of a child or refuses or neglects to grant to the parent or guardian of any child any certificate which he is entitled to receive from him; and

(3) Any Municipal vaccinator, who receives any remuneration for vaccinating a child or for granting a certificate,

shall be liable on conviction before a Magistrate to a fine which may extend to twenty rupees.

13. A parent or guardian, who after conviction under bye-law 12, continues for one month his refusal or omission may again be convicted before a Magistrate and shall again be liable to a fine not exceeding twenty rupees.

14. Whoever not being a vaccinator under these bye-laws wilfully signs or makes a certificate purporting to be a certificate granted under these bye-laws shall be liable to a fine not exceeding Rs. 500.

15. Whoever being a vaccinator wilfully signs, or makes, or procures the signing or making of a false certificate under these bye-laws shall be liable to a fine not exceeding Rs. 100.

P. PALPU,
for *President.*

MGCPB—21-1-03—30

Extract from the Proceedings of an 1/12

Ordinary Meeting of the Board dated 29th January 1903

x x x x

13. Draft bye-laws on Compulsory vaccination as in force in Madras are circulated to the Municipal Commissioners for consideration as per resolution dated the 18th December 1902.

Resolved that these draft rules be adopted with the alteration in Rule 10 clause (1), that no fees be charged for attending at private houses and that this be tried as an experiment for one year.

Sd/ H.H. Sparkes
President.

Copy

President

2/2/03

(2)

✓

Read -

Letter no 193 of the 18/24 th Feb: '03 from the President of the Municipal Commission, Bangalore City, submitting for the consideration and orders of Govt: a set of Bye-laws regarding compulsory vaccination.

Order thereon

Govt: are not at present prepared to make vaccination compulsory

(Cir:- Dewan's order)

BB 18/4/03
For Secy
ag 17/4/03

To

The Presdt: Mle Comn:,
Bangalore City

R. L. 1836

15706
C.F. 316 - 92 BB 21/4/03